

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

PATTI'S PITAS, LLC, QUEEN CITY TOURS,
MARK A. BABBITT, DDS, INC., IDEAL
SALES, INC., LYTLE CAFÉ, and INDIAN TREE
CHIROPRACTIC, P.C., individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO MERCHANT SERVICES, LLC,

Defendant.

CIVIL ACTION NO.

1:17-cv-04583 (AKT)

**PLAINTIFFS' NOTICE OF
MOTION AND UNOPPOSED
MOTION FOR ATTORNEYS'
FEES, EXPENSES, AND
SERVICE AWARDS**

PLEASE TAKE NOTICE that Plaintiffs Patti's Pitas, LLC, Queen City Tours, Mark A. Babbitt, DDS, Inc., Ideal Sales, Inc., Lytle Café, and Indian Tree Chiropractic, P.C. (collectively, "Plaintiffs") will and hereby do move the Court, before the Honorable A. Kathleen Tomlinson, U.S.M.J., at the United States District Courthouse for the Eastern District of New York, located at 100 Federal Plaza, Central Islip, New York 11722, on July 22, 2021 at 11:00 a.m., for an order granting Plaintiffs' Unopposed Motion for Attorneys' Fees, Expenses, and Service Awards.

This motion is based on this notice of motion and motion, the accompanying memorandum of points and authorities, the Settlement including all exhibits thereto (Dkt. 58-2, Ex. A), the Supplemental Joint Declaration of Class Counsel filed herewith, the materials filed in support of Plaintiffs' motion for preliminary settlement approval (Dkt. 58), the Court's Preliminary Approval Order dated February 8, 2021 (Dkt. 61), the materials filed in support of Plaintiffs' motion for final settlement approval (filed simultaneously herewith), the argument of counsel, all papers and records on file in this matter, and such other matters as the Court may consider.

As discussed in the accompanying memorandum, the requested relief is appropriate because (1) the requested fee is an appropriate percentage of the cash recovered for the Settlement Class and is in line with fees approved in prior, similar cases, (2) the Class has obtained substantial additional monetary benefits which have not been included for purposes of calculating the fee, (3) all of the requested expenses were reasonably and necessarily incurred during the prosecution of this case, and (4) the requested service awards are reasonable and justified given the class representatives' efforts on behalf of the Class.

DATED this 7th of May, 2021 Respectfully submitted,

WEBB, KLASSE & LEMOND, LLC

BY: /s/ E. Adam Webb

E. Adam Webb*

Georgia Bar No. 743910

Adam@WebbLLC.com

Matthew C. Klase*

Georgia Bar No. 141903

Matt@WebbLLC.com

1900 The Exchange, S.E., Suite 480

Atlanta, GA 30339

Tel: (770) 444-0773

LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP

BY: /s/ Roger N. Heller

Roger N. Heller*

California Bar No. 215348

rheller@lchb.com

275 Battery Street, 29th Floor

San Francisco, CA 94111

Tel: (415) 956-1000

David S. Stellings

New York Bar No. 2635282

dstellings@lchb.com

Avery S. Halfon

New York Bar No. 5418017

250 Hudson Street, 8th Floor

New York, NY 10013

Tel: (212) 355-9500

Attorneys for Plaintiffs

* Admitted *Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May, 2021, I caused the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system which automatically sends email notification of such filing to all attorneys of record.

/s/ E. Adam Webb

E. Adam Webb